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18 Attorneys for Defendants
CLASSMATES ONLINE, INC.;
19 CLASSMATES MEDIA CORPORATION; and
UNITED ONLINE, INC.
20

21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA**
23 **WESTERN DIVISION – LOS ANGELES**
24

25 ANTHONY MICHAELS, individually
26 and on behalf of all others similarly
situated,

27 Plaintiff,
28

CASE NO. CV 08-8041 DSF (VBK)

**STIPULATION AND [PROPOSED]
ORDER TRANSFERING THIS
ACTION TO THE UNITED STATES
DISTRICT COURT FOR THE
WESTERN DISTRICT OF
WASHINGTON AT SEATTLE**

1 vs.

2 CLASSMATES ONLINE, INC.;
3 CLASSMATES MEDIA
4 CORPORATION; UNITED ONLINE,
INC.; and DOES 1 through 50, inclusive,

5 Defendants.
6

7
8 **WHEREAS**, on or about October 30, 2008, Plaintiff Anthony Michaels filed a
9 complaint in this action with the Los Angeles Superior Court for the County of Los
10 Angeles against Defendants Classmates Online, Inc., Classmates Media Corporation, and
11 United Online, Inc.;

12 **WHEREAS**, on or about December 5, 2008, Defendants Classmates Online,
13 Classmates Media, and United Online filed a Notice of Removal in this action, removing
14 this case from the Los Angeles Superior Court to this Court;

15 **WHEREAS**, on or about December 12, 2008, Defendants Classmates Online,
16 Classmates Media, and United Online filed a Motion to Dismiss Pursuant to FRCP
17 12(b)(3) or, in the Alternative, to Transfer Venue Pursuant to 28 U.S.C. § 1404(a) (the
18 “Motion”);

19 **WHEREAS**, Defendants’ Motion seeks dismissal or an alternative transfer of this
20 action to the United States District Court for the Western District of Washington at
21 Seattle based upon a forum-selection clause, which Defendants contend is binding on the
22 Parties and mandates that this dispute is subject to the exclusive jurisdiction of the courts
23 in the state of Washington;

24 **WHEREAS**, the hearing for Defendants’ Motion is set for January 12, 2009;

25 **WHEREAS**, the Parties have agreed that this case shall be transferred to the
26 United States District Court for the Western District of Washington at Seattle pursuant to
27 28 U.S.C. §§ 1404(a) & (b) and Western District of Washington Local Rule CR 5(e);
28

1 **IT IS HEREBY STIPULATED AND AGREED** by the Parties, through their
2 counsel of record, that this action be transferred to the United States District Court for the
3 Western District of Washington at Seattle pursuant to 28 U.S.C. §§ 1404(a) & (b) and
4 Western District of Washington Local Rule CR 5(e).

5 **IT IS SO STIPULATED.**

6 Dated: December 31, 2008

KABATECK BROWN KELLNER

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8
9 By: /s/ Josh Haffner

Josh Haffner

Art Gholian

Attorneys for Plaintiff and the proposed class

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11
12 Dated: December 31, 2008

DLA PIPER LLP (US)

13
14
15 By: /s/ Russ Wuehler

Jeffrey A. Rosenfeld

Ana Tagvoryan

Russ Wuehler

*Attorneys for Defendants Classmates Online,
16 Inc., Classmates Media Corporation and United
17 Online, Inc.*